

HOUSE BILL REPORT

HB 2893

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to establishing timelines for the forest riparian easement program.

Brief Description: Providing timelines for the forest riparian easement program.

Sponsors: Representatives Orcutt, Hatfield, Sump, Blake, Kristiansen and Pearson.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/6/04 [DPS].

Brief Summary of Substitute Bill

- Requires the Small Forest Landowner Office to determine the compensation to be offered to a landowner for an easement within 60 days of the landowner's application for the Forest Riparian Easement Program, and provide the landowner with a compensation offer and a completed contract within the 60-day time line.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, McDermott, Orcutt, Quall and Sump.

Minority Report: Without recommendation. Signed by 1 member: Representative Hunt.

Staff: Jason Callahan (786-7117).

Background:

The Forest Riparian Easement (FRE) Program is a program managed by the Department of Natural Resources' (DNR) Small Forest Landowner Office to acquire 50-year

easements along riparian and other sensitive aquatic areas from small forest landowners that are willing to sell or donate easements to the state. The DNR is authorized to purchase easements from small forest landowners and hold the easements in the name of the state. The easements are restrictive only, and do not restrict the landowner's activities except as necessary to protect the riparian functions of the habitat for the term of the easement.

The value of the easement is determined by the DNR based on the fair market value of the timber volume covered by the easement. This calculation is made by the DNR after it conducts a timber cruise of 100 percent of the proposed easement. The data gathered in the timber cruise is then applied to a stumpage value table to calculate the fair market value.

Summary of Substitute Bill:

The Small Forest Landowner Office is required to determine the compensation to be offered to a landowner for an easement within 60 days of the landowner's application for the FRE program. Within that 60-day time line, the Small Forest Landowner Office must also provide an applicant with a compensation offer and a completed easement contract.

Substitute Bill Compared to Original Bill:

The original bill did not require the Small Forest Landowner Office to provide an applicant with a compensation offer and a completed easement contract.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) There is too much time that elapses between the time that a landowner submits a completed FRE program application and payment is made. If the landowner was able to harvest his or her timber, the wait for payment would only be 30 days, not from between 18 weeks and a year like the FRE program often requires.

The FRE program provides compensation for landowners who are prohibited from harvesting certain trees in the buffers established in the Forests and Fish agreement. The program is important to instill confidence in small forest landowners, and to provide compensation for property taken by the forest practice rules. The DNR has the obligation to administer the program, and when applicants have to wait for more than 60

days to receive payment, they begin to lose confidence in the promises made in the Forests and Fish agreement.

It is often hard to assess the value of timber after a harvest. Recreating the stand of trees is inaccurate after the fact, so timely assessments are needed.

(In support with concerns) (Original bill) The DNR does not currently have a budget large enough to provide for the number of employees needed to conduct assessments for all applications within 60 days. Doing so would be possible, but would require additional staffing. Satisfying the 60-day time line would require tradeoffs in other areas of the DNR's services.

Testimony Against: None.

Persons Testifying: Representative Orcutt, prime sponsor; and Martin Flynn, Kelly Niemi, and Bob Playfair, Washington Farm Forstry Association.

Persons Signed In To Testify But Not Testifying: None.